

# **EXHIBIT D**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SIA HENRY, MICHAEL MAERLANDER,  
BRANDON PIYEVSKY, KARA SAFFRIN,  
and BRITTANY TATIANA WEAVER,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA  
INSTITUTE OF TECHNOLOGY,  
UNIVERSITY OF CHICAGO, THE  
TRUSTEES OF COLUMBIA UNIVERSITY  
IN THE CITY OF NEW YORK, CORNELL  
UNIVERSITY, TRUSTEES OF  
DARTMOUTH COLLEGE, DUKE  
UNIVERSITY, EMORY UNIVERSITY,  
GEORGETOWN UNIVERSITY,  
MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY, NORTHWESTERN  
UNIVERSITY, UNIVERSITY OF NOTRE  
DAME DU LAC, THE TRUSTEES OF THE  
UNIVERSITY OF PENNSYLVANIA,  
WILLIAM MARSH RICE UNIVERSITY,  
VANDERBILT UNIVERSITY, and YALE  
UNIVERSITY,

Defendants.

Case No. 1:22:cv-00125

**DECLARATION OF ELIZABETH A. FEGAN**

I, Elizabeth A. Fegan, under oath, declare and state as follows:

1. I am the founder and Managing Member of Fegan Scott LLC, a complex litigation and class action law firm, which I started in May 2019.
2. As a Chicago native, I began my career at Loyola University Chicago School of Law (1995). From 1995-2002, I was an associate at Shefsky & Froelich, Ltd. where I worked on

complex commercial cases and acted as Special Assistant Corporation Counsel in cases for the City of Chicago, Chicago Park District, Chicago Police Department, and Chicago Public Building Commission.

3. I also served on special master teams in the Northern District of Illinois and Circuit Court of Cook County, appointed by the courts to manage discovery and oversee class counsel fee petitions in federal and state court class actions. *See In re Waste Mgmt. Sec. Litig.* (N.D. Ill.); *Wolens et al. v. American Airlines* (Cir. Ct. Cook County).

4. In 2002, I transitioned to Plaintiffs' class action work. After several years at a small class action boutique, I founded the Chicago office of Seattle-based Hagens Berman Sobol Shapiro LLP, which I managed for 15 years and where I prosecuted nationwide class actions before starting my own firm. My experience at Hagens Berman included extensive work on behalf of college students.

5. For example, I was part of the Co-Lead Counsel team in *In re NCAA Student-Athlete Concussion Injury Litigation*, No. 1:13-cv-9116 (N.D. Ill.) (Lee, J.). After conducting full merits discovery, we settled the class action on behalf of four million current and former NCAA student-athletes with a \$70 million, 50-year medical monitoring program to diagnose the short- and long-term effects of concussions and the accumulation of subconcussive hits.

6. Based on Judge Lee's experience in the *NCAA* case, the Court *sua sponte* appointed me as Lead Counsel in *In Re: TikTok, Inc. Consumer Privacy Litig.*, MDL No. 2948, Master Docket No. 20 C 4699 (N.D. Ill.) (Lee, J.), stating: "Ms. Fegan demonstrated to me during her work in the NCAA Student-Athlete Concussion MDL that she is very astute, hard-working and, perhaps most important of all in this circumstance, fair and level-headed."

Transcript of Proceedings dated Sept. 24, 2020, at 12, *In Re: TikTok, Inc. Consumer Privacy*

*Litig.*, No. 20 C 4699 (N.D. Ill.). In *TikTok*, Judge Lee recently granted preliminary approval of a \$92 million settlement.

7. Other class actions in this District in which we have achieved success include:

a. In *Wiginton et al. v. CB Richard Ellis, Inc.*, No. 02 C 6832 (N.D. Ill.) (Andersen, J. ret.), I was appointed lead counsel in a nationwide class action alleging sexual harassment on behalf of 16,000 female employees. There, we achieved a settlement that conferred up to \$150,000 per class member. No class member objected. At the final approval hearing, Judge Andersen complimented the parties' counsel, stating: "I got a long chance to work with the three of you... I think you are great lawyers and I actually even think you are better people.... I have found working with you on this case one of the more interesting, challenging and, at some level, uplifting things that I have been able to do in the 15 years or so that I have been here...I really appreciate your intelligence and your intensity here and the reasonableness overall with which you approached all of this...." Transcript of Proceedings dated January 9, 2008, at 15, *Wiginton et al. v. CB Richard Ellis, Inc.*, No. 02 C 6832 (N.D. Ill.).

b. In *In re Stericycle, Inc., Sterisafe Contract Litig.*, MDL No. 2455, No. 13-cv-5795, Judge Shadur appointed a lead counsel team that included me as Class Counsel and Liaison Counsel. In his order appointing Hagens Berman as sole lead counsel, Judge Shadur stated: "Elizabeth Fagan[sic] (the managing partner of Hagens Berman's Chicago office) has outstanding credentials on her own...." Memorandum Order (October 11,

2013), *In re Stericycle*, No. 13-cv-5795 (ECF No. 56) (Shadur, J.). While implementing the \$295 million class settlement, I worked closely with Judge Shadur upon his retirement from the courthouse, but where he maintained his oversight of the *Stericycle* case. *See* Final Approval Order (May 8, 2018) (ECF No. 382) (Gettleman, J.) (appointing me as Class Counsel and granting final approval of class settlement).

- c. *RC2 Corp. Toy Lead Paint Products Liab. Litig.*, No. 07 CV 7184, MDL No. 1893 (N.D. Ill.): As MDL co-lead counsel in nationwide consumer fraud class action on behalf of purchasers of toys covered with lead paint, we successfully settled the MDL and related state case for product refunds and blood lead testing valued at \$30 million.

8. I also have experience in antitrust and other complex commercial class action cases. By way of example:

- a. *Baby Products Antitrust* (E.D. Pa.): As co-lead counsel for a class of consumers overcharged for high-end baby products (e.g. strollers, high chairs) as the result of a price-fixing conspiracy between Babies 'R Us and baby product manufacturers, I achieved a \$35 million settlement after class certification was granted, summary judgment denied, and on the eve of trial;
- b. *Pre-Filled Propane Tank Marketing and Sales Practices* (W.D. Mo.): As co-lead counsel for a class of consumers who purchased propane tanks for barbecues, I prosecuted this antitrust class action against the two dominant

manufacturers who engaged in price fixing. The case settled for a \$35 million common fund;

- c. *Nexium Pharmaceutical Antitrust Fraud* (Mass.): After class certification, I was appointed to the lead trial team to try antitrust claims on behalf of Massachusetts payors for Nexium. This single-state case settled the night before trial for \$20 million.
- d. *Senior annuities consumer protection class actions*: In a series of class actions against insurance companies that sold equity-indexed deferred annuities that targeted, but were inappropriate for, senior citizens, I was appointed to lead counsel and executive committee positions. These cases led to numerous settlements, *e.g.* American Equity Senior Annuities Fraud (C.D. Cal.) (\$129 million settlement) and Midland Senior Annuities Fraud (C.D. Cal.) (\$79.5 million settlement).

9. I have been recognized for my work with awards such as being named an Illinois Super Lawyer (annually 2016-22) and Top 50 Women in Law Honoree, Chicago Daily Law Bulletin/Chicago Lawyer (2021). I have also been named to the Lawdragon 500 Leading Plaintiff Consumer Lawyers (annually 2019-2021), Best Sexual Abuse Victims' Attorney – Illinois, US Business News (2020). The National Trial Lawyers Top 100 Civil Plaintiff's Lawyer (2015, 2020), and Woman of Influence 2017, Best Lawyers, Business Edition (Spring 2017).

I declare that the foregoing is true and correct.

Dated: February 9, 2022

  
Elizabeth A. Fegan